

**CONFIDENTIAL**-Pursuant to Court  
Order in Case No. 04-10521-GAO in  
the United States District Court,  
District of Massachusetts.

3137

**COMMONWEALTH OF MASSACHUSETTS**

**MIDDLESEX, SS**

**SUPERIOR COURT NUMBER  
82-4115 and 4116**

**COMMONWEALTH**

**V.**

**KENNETH WATERS**

---

**NOLLE PROSEQUI**

---

Now comes the Commonwealth in the above entitled matter and files this nolle prosequi.

Based upon new DNA evidence of the presence of blood of an unknown person at the scene of the 1980 murder of Katherina Brow, the Commonwealth has agreed that, at a minimum, a new trial of the above indictments is warranted.

At this time, there is insufficient evidence to proceed with a criminal prosecution against the defendant, Kenneth Waters, and as such, the Commonwealth has determined that, at this time, a nolle prosequi is in the interests of justice. The Commonwealth's investigation into the murder of Katherina Brow has and will continue.

RECEIVED

01 JUN 27 AM 11:00

MIDDLESEX SUPERIOR COURT  
EDWARD J. SULLIVAN  
CLERK MAGISTRATE

Respectfully Submitted  
By the Commonwealth

**MARTHA COAKLEY  
DISTRICT ATTORNEY**

by: 

**Sheila M. Calkins  
Assistant District Attorney  
Middlesex District**

**Dated: June 28, 2001**

63

6/27/01  
Copy sent to Judge Coleman Prob.